

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

DERICK BAILEY ]  
Petitioner, ]  
] No. 3:06-0544  
v. ] Judge Campbell  
WAYNE BRANDON, WARDEN ]  
Respondent. ]

O R D E R

The Court has before it a *pro se* § 2254 petition (Docket Entry No. 1 ) for writ of habeas corpus and respondent's Answer (Docket Entry No. 10) to the petition.

In accordance with the Memorandum contemporaneously entered, the Court finds that the habeas corpus petition lacks merit. Therefore, said petition is DENIED and this action is hereby DISMISSED. Rule 8(a), Rules -- § 2254 Cases.

Should the petitioner file a timely notice of appeal from this order, such notice shall be treated as an application for a certificate of appealability, 28 U.S.C. § 2253(c), which will NOT issue because the petitioner has failed to make a substantial showing of the denial of a constitutional right.

It is so ORDERED.

  
\_\_\_\_\_  
Todd Campbell  
United States District Judge